

### TRAFFIC COMMITTEE AGENDA

### September 18, 2024 – 7:30 P.M. Lower Level Conference Room – Troy City Hall – 500 West Big Beaver

- 1. Roll Call
- 2. Approval of Minutes June 19, 2024 Traffic Committee

### **PUBLIC HEARINGS**

- 3. Request for Sidewalk Waiver 6970 Donaldson (Sidwell # 88-20-03-126-048)
- 4. Request for Sidewalk Waiver 934 Marengo (Sidwell # 88-20-03-279-034)

### **REGULAR BUSINESS**

- 5. Public Comment
- 6. Other Business
- 7. Adjourn

#### TRAFFIC COMMITTEE

#### MESSAGE TO VISITORS, DELEGATIONS AND CITIZENS

The Traffic Committee is composed of seven Troy citizens who have volunteered their time to the City to be involved in traffic and safety concerns. The stated role of this Committee is:

- a. To give first hearing to citizens' requests and obtain their input.
- b. To make recommendations to the City Council based on technical considerations, traffic surveys, established standards, and evaluation of citizen input.
- c. To identify hazardous locations and recommend improvements to reduce the potential for traffic crashes.

Final decisions on sidewalk waivers will be made by the Committee at this meeting.

The recommendations and conclusions arrived at on regular items this evening will be forwarded to the City Council for their final action. Any citizen can discuss these recommendations before City Council. The items discussed at the Traffic Committee meeting will be placed on the City Council Agenda by the City Manager. The earliest date these items might be considered by City Council would normally be 10 days to 2 weeks from the Traffic Committee meeting. If you are interested, you may wish to contact the City Manager's Office in order to determine when a particular item is on the Agenda.

Persons wishing to speak before this Committee should attempt to hold their remarks to no more than 5 minutes. Please try to keep your remarks relevant to the subject at hand. Please speak only when recognized by the Chair. These comments are made to keep this meeting moving along. Anyone wishing to be heard will be heard; we are here to listen and help in solving or resolving your particular concerns.

### 2. Approval of Minutes – June 19, 2024 Traffic Committee

### **PUBLIC HEARING**

### 3. Request for Sidewalk Waiver – 6970 Donaldson (Sidwell # 88-20-03-126-048)

Harsha & Danelle Chandra-Sekhar, homeowners request a sidewalk waiver for the sidewalk at 6970 Donaldson (Sidwell # 88-20-03-126-048). The homeowners state:

a. There are no other sidewalks in the subdivision. This would be the only sidewalk and property on both sides as well as across the street have no sidewalks. A sidewalk would literally be a sidewalk to nowhere.

The Department of Public Works (DPW) <u>recommends approving</u> the waiver request and <u>not requiring</u> the installation of sidewalk "Due to the lack of sidewalk on the surrounding parcels and the open drainage ditches of the area", subject to the submission of a cash deposit for future construction to assure consent and participation in any future sidewalk installation.

### 4. Request for Sidewalk Waiver – 934 Marengo (Sidwell # 88-20-03-279-034)

Bahaa Kizy, Builder, homeowner request a sidewalk waiver for the sidewalk at 934 Marengo (Sidwell # 88-20-03-279-034). The homeowners state:

a. There are no other sidewalks in the subdivision. This would be the only sidewalk and property on both sides as well as across the street have no sidewalks. A sidewalk would literally be a sidewalk to nowhere.

The Department of Public Works (DPW) <u>recommends approving</u> the waiver request and <u>not requiring</u> the installation of sidewalk "Due to the lack of sidewalk on the surrounding parcels and the open drainage ditches of the area", subject to the submission of a cash deposit for future construction to assure consent and participation in any future sidewalk installation.

- 5. Public Comment
- 6. Other Business
- 7. Adjourn

A regular meeting of the Troy Traffic Committee was held Wednesday, June 19, 2024 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

#### 1. Roll Call

Present: Dale Christiansen

Shama Kenkre Cindy Nurak Al Petrulis Justin Rose Abi Swaminathan Pete Ziegenfelder

Absent: Deputy Fire Chief, Michael Koehler

Angela Zhou, Student Representative

Also present: G. Scott Finlay, City Engineer

Lori Bluhm, City Attorney

Merissa Clark, Administrative Assistant Sgt. Brian Warzecha, Police Department

### 2. Minutes – April 17, 2024 Traffic Committee

Resolution # 2024-06-11 Moved by Petrulis Seconded by Swaminathan

RESOLVED, that the Traffic Committee approve the April 17, 2024 minutes as presented.

Yes: Christiansen, Kenkre, Nurak, Petrulis, Rose, Swaminathan, Ziegenfelder

No: None Absent: None

#### **MOTION CARRIED**

#### PUBLIC HEARINGS

#### 3. No Public Hearing

#### **REGULAR BUSINESS**

### 4. Request for Traffic Control – Northfield Parkway – Troy High School

There were two vehicle/pedestrian accidents this year on Northfield Parkway at Troy High School. Troy Police Department asked if a School Zone could be established to lower the speed limit during school arrival and departure, similar to Hamilton Elementary north of Troy High School on Northfield Parkway. A sign and pavement marking review of all schools in

done was completed in February 2022, establishing a school zone was a recommendation.

Principal Remo Roncome stated that he has worked there for 20 years and the traffic is excessive in the morning with 2100 kids/parents coming and going each morning and with 2 elementary school close by. They've had 2 serious accidents recently and he just wants it to be safer for walkers and bikers.

Todd Gilevich works at the school in security and works a lot with Troy P.D. and they are just looking to get the area safer for the kids.

Julie Mills has children that attend Troy High and she said she witnesses how awful it is and agrees with the previous statements made by Todd and Remo.

Sgt. Warzecha stated the he spoke with Scott Finlay about getting this taken to the Traffic Committee.

Scott Finlay mentioned that at the request of the Troy School District, a review of signs and pavement markings was completed at all schools in Troy, in February of 2022.

Justin Rose asked what the current speed limit is, he was informed that it is 35 MPH right now. He asked if we've considered crossing beacons & explained what that entails.

Scott Finlay stated that we do have those in place.

Pete asked if the resolution would be just the school area? Or if it would be Long Lake to Wintergreen;

Al thinks that would be logical.

Dale asked what the time restrictions would be.

Scott explained that we do not determine the time restrictions, DPW would get in contact the school district/administration for time frames on the signs.

Resolution # 2024-06-12 Moved by Rose Seconded by Petrulis

RESOLVED, that a School Zone be established on Northfield Parkway at Troy High School, between Long Lake Road and Wintergreen Drive for the purpose of reducing the speed limit in accordance with the Michigan Vehicle Code.

Yes: Christiansen, Kenkre, Nurak, Petrulis, Rose, Swaminathan, Ziegenfelder

No: None Absent: None

#### **MOTION CARRIED**

### 5. Request for Traffic Control - Connolly Drive & Corbin Drive

Kalpit Kadia of 1984 Connolly Drive requested that the intersection of Connolly Drive and Corbin Drive be reviewed for purposes of traffic control at the uncontrolled intersection. He believed the existing uncontrolled intersection was dangerous and that a stop sign was needed on Connolly. The study indicated that a stop sign was warranted for Corbin, not Connolly. Mr. Kadia indicated that his concern was to control speed on Connolly, a stop sign on Corbin would not help.

This traffic study was requested by the resident, Scott Finlay decided to send the results forward because the study indicated that a stop sign was warranted for Corbin.

Justin stated that this seems to be more speed mediation and there isn't a high accident rate, so to go along with what Scott said he thinks P.D. may be able to assist, but would support no change at the intersection.

Abi asked if there was a stop sign at the entrance off of Coolidge, we checked GIS, it is a yield sign.

Resolution # 2024-06-13 Moved by Rose Seconded by Christiansen

RESOLVED, that **NO CHANGE** be made to the Connolly Drive & Corbin Drive intersection.

Yes: Christiansen, Kenkre, Nurak, Petrulis, Rose, Swaminathan, Ziegenfelder

No: None Absent: None

### **MOTION CARRIED**

### 6. Request for Traffic Control – Troyvally Drive & Herbmoor Street

Jyh-Shin Chen of 6275 Riverton requested that the intersection of Troyvally Drive and Herbmoor Street be reviewed for purposes of changing the stop control on Troyvally at Herbmoor to uncontrolled. He states Herbmoor faces a dead end and Troyvally has more traffic. The stop sign should face Herbmoor instead of Troyvally to reduce vehicle stops and reduce greenhouse gases.

William Willams – "As a resident of Herbmoor south of Troyvally, I am in favor of Herbmoor gaining stop control. While the north spur of Herbmoor is a dead end, I regularly see traffic from the north traveling well in excess of the 25 MPH speed limit from my office window. I hope that this change will reduce the average speeds of the handful of repeat offenders residing on the north section of Herbmoor.

I am not, however, in favor of Troyvally LOSING stop control, for three resons. First and foremost, Troyvally is a relatively steep downhill grade from Riverton to Vernmoor (east to west). If the stop control is removed from Herbmoor, there will be no traffic control from Canmoor to the terminus at Vernmoor. I would expect this removal to result in significantly increased speeds further down the hill, decreasing the safety of any non-vehicular

users in the neighborhood. This increased speed would particularly be an issue in the winter – I would expect to see an increase of cars in ditches along, and at the end of, Troyvally. Second, the eastern corners of Herbmoor and Troyvally are the site of bus stops for all levels of the Troy School District – the northeast corner of Troy High, and the southeast corner for Smith and Martell. Removing stop control from Troyvally would make this crossing more dangerous for students.

Finally, the assessment of this proposed changes notes that there is limited visibility to the east, from cars approaching the intersection on Herbmoor from the south due to "the hill on the southeast corner of the intersection." The opposite is then necessarily true – that there is a sight distance obstruction traveling west on Troyvally approaching Herbmoor, and the same safe approach speed should apply. There is also a hill – permanent sight distance obstruction, though somewhat less impactful, on the southwest corner, as evidenced from Photograph #6 in the agenda. While the study notes that there were no accidents at this intersection in the last 5 years, the combination of sight distance obstruction, downhill grade, and, in the mornings, direct sunlight in the drivers' faces, would dramatically increase the chances of an eastbound vehicle turning south at Herbmoor colliding with a vehicle approaching Troyvally on Herbmoor from the south. I would be interested to know if the Committee has any statistics on accidents for Troyvally at Elmoor, which would closely resemble what is proposed for Troyvally at Herbmoor.

As a result of all of this, I would be in favor of not only retaining the stop control on Troyvally at Herbmoor, but adding it at Elmoor as well – or, if the Traffic Committee approves this request to remove stop control on Troyvally, at the very minimum adding other kinds of speed-limiting devices such as speed humps at strategic locations east of Canmoor along Troyvally. Thank you for your consideration."

Julie Mills lives at 500 Troyvally explained that she thinks the stop sign is needed, and agreed with Mr. Williams. She wanted to make sure the Traffic Committee is aware they do not have sidewalks in the subdivision and believes it would be very unsafe for the children and walkers. She also brought up that every winter, cars are getting stuck in the ditch and changing it would not help. She believes a 4-way stop would be more beneficial or no change. She also pointed out that the requestor does not live near this intersection and is most likely asking for this because they don't want to slow down at the stop sign.

Dale Christiansen asked if any kind of change like this has caused confusion & was wondering what happens if the City were to flip the signs.

Scott Finlay explained it has not happened recently.

Justin Rose explained that his concern would be that people not used to the change may not pay attention and the Troyvally drivers may be expecting them to stop & they may not.

Sgt. Warzecha stated that he does not think anything should be removed.

Pete Ziegenfelder stated he is in favor of Traffic Control at all intersections.

Just Rose stated that it seems like it is okay the way it is now – doesn't think that the sight distance would cause an issue unless speeding.

Dale Christiansen stated that no sidewalks, speeding, winters, and kids being out at the bus stops does raise a red flag. He mentioned that Elmoor came up with virtually the same thing and asked if it's a disservice to not do the same thing there, or at every intersection.

Al Petrulis explained that excessive stop signs can cause more speeding, or rolling stops. He agrees that Herbmoor is a good point to break up traffic.

Justin Rose added that the stop signs give other drivers a false sense of security.

Pete Ziegenfelder also added, that the drivers may think it's unwarranted and ignore it all together.

Justin Rose asked Scott Finlay if we looked at all 3 intersections in the area since they are similar.

Scott Finlay stated that the requestor wanted to remove signage, so that was what the study reflects. Went on to explain how we have traffic studies done when subdivisions are built and that they have check with the Troy Police Department on accidents in the area.

Justin Rose understands that we can't study all intersections and that it was studied previously.

Abi Swaminathan motioned for No Change.

Justin Rose seconded it.

Dale Christiansen added that he thinks a sign should be placed because of the lack of sidewalks and amount of bus stops/children in the area.

Al Petrulis pointed out that we received the request for a swap not to add a 4-way stop. Could this be an issue since this is not what was requested?

Dale Christiansen pointed out that some of the emails the TC received were in favor of a 4-way stop.

Julie Mills & William Williams stated that they believe everyone in the area would be okay with that outcome.

Justin Rose is not in favor of a swap and doesn't believe we have a reason to change it right now.

Lori Bluhm added that we have the option to postpone this item and give residents proper notification about a 4-way stop option.

Julie Mills asked if it was possible to make no change and bring back to the board at a later date.

Pete Ziegenfelder explain the different options.

Dale Christiansen added that if the residents want to come back for a 4-way stop sign they can bring it back to the board and maybe we can make the changes then.

Al Petrulis asked if the intersection would need to be restudied?

Scott Finlay stated it would not be restudied.

Resolution # 2024-06-14 Moved by Swaminathan Seconded by Rose

RESOLVED, that **NO CHANGE** be made to the Troyvally Drive Approach at Herbmoor Street.

Yes: Christiansen, Kenkre, Nurak, Petrulis, Rose, Swaminathan, Ziegenfelder

No: None Absent: None

#### **MOTION CARRIED**

### 7. Public Comment

No public comment.

### 8. Other Business

Troy Traffic Committee Training – Presentation – Slides – 1-29 Attached - Presented by Lori Bluhm, City Attorney

### 9. Adjourn

The meeting adjourned at 9:20 PM.	
Pete Ziegenfelder -Chairperson	G. Scott Finlay, City Engineer/Traffic Engineer

# Troy Traffic Committee Training

TROY CITY ATTORNEY'S OFFICE, JUNE 2024

### CREATION OF TRAFFIC COMMITTEE

- ▶ The makeup, authority, and standards of Troy's Traffic Committee are found in Chapter 35 of the City's Code.
- The Traffic Committee has 7 citizens who serve three year terms.
- The Traffic Engineer, Fire Chief and Police Chief or designee(s) are ex-officio members (non-voting)
- ▶ A student representative may be appointed as an ex-officio member for a one year term (non-voting)

## DUTIES OF THE TROY TRAFFIC COMMITTEE

- Advisory powers with respect to proposed traffic regulations and traffic safety issues
- Final authority for sidewalk variances after public hearing

## BYLAWS OF THE TROY TRAFFIC COMMITTEE

- Chair is a voting member
- Election of the Chair and Vice Chair happens at February annual meeting
- Regular Meetings held 3<sup>rd</sup> Wednesday each month
- Special meetings are permitted
- Traffic Engineer prepares agendas and keeps minutes, provides meeting notices, and other correspondence
- "Committee shall use its best efforts to make decisions and/or recommendations within 3 consecutive official meetings." Article IV, Section 7

### ORDER OF BUSINESS- ARTICLE V

- ► A. Roll Call
- ▶ B. Approval of Minutes of Previous Meeting
- ► C. Public Hearings
- ▶ D. Tabled Items
- ► E. Regular Business
- ▶ F. Public Comment
- ▶ G. Member Comment
- ► H. Adjournment
- Message To Visitors, Delegations and Citizens

### SITE VISITS

- If possible, Committee members should view the property before the meeting.
- Avoid discussion with applicant or any other person while visiting the site.
- ▶ The site should be visited independently not with other Committee members (and NOT a quorum).
- Committee members should wear Identification Badge from City.

### SIDEWALK WAIVERS/ VARIANCES

- ▶ A variance excuses someone from complying with the law.
- Variances should be sparingly granted- after consistent application of the standards. Otherwise, it undermines the City's Ordinance and the ability to enforce it.
- ► Sidewalk variance request is initially filed with Director of Public Works. The requestor should specify why the variance is necessary (leads to no where, landmark trees, ditches, etc.)
- ▶ Upon filing of application, property owner is temporarily relieved of the obligation to install the sidewalk, unless the Director of Public Works determines that it would cause imminent peril of life or property.
- Requires public hearing; Notice sent to property owners within 300 feet.

## Traffic Safety Recommendations

- ▶ The Traffic Committee is vested with advisory powers with respect to proposed traffic regulations and traffic safety issues. Traffic Committee facilitates public input and makes a recommendation to the Troy City Council.
- ▶ State Statute- Michigan Vehicle Code- Act 300 of 1949, MCL 257.606
  - ▶ (1) This chapter does not prevent a local authority... with respect to streets or highways under the jurisdiction of the local authority and within the reasonable exercise of the police power from doing:
    - ► Regulating the standing or parking of vehicles...
    - ▶ Regulating traffic by means of police officers or traffic control signals...
    - ▶ Designating any intersection as a stop intersection and requiring all vehicles to stop at 1 or more entrances to the intersection; or designating any intersection as a yield intersection....

## Michigan Vehicle Code- Act 300 of 1949

- ▶ Michigan Vehicle Code- Act 300 of 1949, MCL 257.606
  - (2) All traffic regulations described in subsection (1) SHALL be based on standard and accepted engineering practices as specified in the Michigan Manual On Uniform Traffic Control Devices (MMUTCD)

## Michigan Vehicle Code- Act 300 of 1949

- ▶ Michigan Vehicle Code- Act 300 of 1949, MCL 257.610
  - ▶ (1) Local authorities.. Shall place and maintain the traffic control devices upon highways under their jurisdiction that they consider necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic. All traffic control devices SHALL conform to the Michigan manual on uniform traffic control devices.
  - ▶ (2) The state transportation department SHALL withhold from any City that fails to comply with the statute the share of fuel and vehicle tax revenue that would otherwise be due to the City. Notice of failure to comply, and 1 year's time to comply after notice, shall first be given.

## Michigan Manual on Uniform Traffic Control Devices (MMUTCD)

- Generally, the starting premises is an uncontrolled intersection
- ► STOP Signs
  - ► At the intersection of a less important road with a main road where application of the normal right of way rule is unduly hazardous
  - On a street entering a through highway or street
  - At an unsignalized intersection in a signalized area
  - At other intersections where a combination of high speed, restricted view, or crash records indicate a need for control by the STOP sign
  - STOP signs are NOT to be used for speed control (Section 2B.04)

## Michigan Manual on Uniform Traffic Control Devices (MMUTCD)

- All Way STOP sign warrants
  - ► Five or more reported crashes within a 12 month period that are susceptible to correction by a multi-way stop installation
  - Minimum volumes\*
    - ► At least 300 vehicles per hour average from the major street for any eight hours of an average day (total of both approaches)
    - ► Combined vehicular, pedestrian, and bicycle volume entering from the minor street averaging at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of at least 30 seconds during the highest hour; BUT
  - \* If the 85<sup>th</sup> percentile approach speed of the major street traffic EXCEEDS 40 mph, the minimum volume standards are reduced to 70%
  - \* Can be combination of crashes and 80% of minimum volumes

## Michigan Manual on Uniform Traffic Control Devices (MMUTCD)

More from the Reference Guide on Traffic Control Determination in the State of Michigan (provided in your agenda materials)

- "In many cases, STOP signs are installed where they may not be warranted. Traffic experts agree that unnecessary STOP signs:
  - Cause accidents they are designed to prevent.
  - Breed contempt for other necessary STOP signs.
  - Waste millions of gallons of gasoline annually.
  - Create added noise and air pollution.
  - ▶ Increase, rather than decrease, speeds between intersections.
  - ► Explicit restriction- STOP signs are not to be used for speed control

### DECISION

- ► A variance may only be granted if supported by evidence.
- ▶ A resolution to approve or deny a sidewalk waiver/ variance can be based on information or material provided by the applicant, City staff, or members of the public.
- The Committee may consider public comment as relevant evidence, but unsubstantiated or speculative public comment does not provide competent evidence to grant or deny a variance.
- A variance should not be granted solely because nobody from the public objected.
- A variance should not be denied solely because several members of the public objected.
- Committee may grant, deny, partially grant a variance or postpone.
- ▶ If granted, any condition required by the Committee shall be incorporated into the sidewalk and driveway approach permit.

### DELIBERATION AND RESOLUTIONS

- Avoid discussions, debates, or negotiations with applicant during the meeting.
- Avoid redesigning the project or trying to convince applicant of alternatives.
- ▶ If presented with new information or material at the meeting, it is acceptable to postpone to another meeting to have time to review new information.
- Not necessary to read verbatim agenda item description may state "as printed in the agenda," as long as you specify grant or deny.
- Be clear and concise as possible.
- It is acceptable to ask person making the resolution to provide clarification.
- It is acceptable to state reasons why you will approve or deny request.
- Be aware of body language avoid frowns, gestures, head hanging, dozing off.

## TROY BOARD AND COMMITTEE APPOINTEE ETHICS

- Council adopted Chapter 14A in 2021, which is an ordinance that governs elected and appointed officials.
- Respect the confidentiality of privileged information;
- Recognize that an individual board or committee member has no authority to speak or act for the Troy City Council, the City of Troy, or their respective Committee;
- Work with other appointees to further the board or committee goals;
- Encourage the free expression of opinion by all committee members;
- Communicate to City Council and staff as to issues of concern or requiring study or action;

## TROY BOARD AND COMMITTEE APPOINTEE ETHICS

- Render all decisions based on the available facts and independent judgment;
- Make every effort to attend all meetings and prepare;
- Become informed concerning the issues to be considered at each meeting;
- Avoid conflicts of interest or the appearance thereof;
- Refrain from using position for personal benefit, or for the benefit of family members or business associates;
- Avoid use of derogatory language;
- Treat all people fairly and with dignity and respect.
- Abstain from harassing or discriminatory behavior.

## TROY BOARD AND COMMITTEE APPOINTEE ETHICS

- Freed v. Lindke was decided by the United States Supreme Court in 2024.
  - ▶ A public official's social-media activity constitutes state action under §1983 only if the official (1) possessed actual authority to speak on the State's behalf, and (2) purported to exercise that authority when he spoke on social media.
- What this means for Committee members:
  - ▶ Posting about what happens at a meeting is discouraged, since the board member's interpretation may be challenged, but board members are able to share a link so that persons can view the agenda materials.
  - Disclaimers expressly indicating that the views expressed are the board member's alone is encouraged.

## CONFLICTS OF INTEREST

- Officials should avoid participating in any matter where he or she has a conflict of interest.
- o Conflict of interest is generally described as having a financial interest-but it may be a personal interest too. This could include those officials who have real property in close proximity to the applicant-where the property value could be impacted.
- O Minor relationship with applicant is not a conflict unless it impacts ability to be fair and impartial.
- When in doubt- disclosure is critical. After such disclosure, the decision can be left to the Board.
- o If the Committee votes that there is a conflict, the individual member should NOT be in the room when the matter is discussed, and should not participate in the discussions or deliberations.

## OPEN MEETINGS ACT AND FREEDOM OF INFORMATION ACT

- Michigan adopted the current versions of the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA) after Watergate (effective March 31, 1977). The core purpose of OMA and FOIA is best served through information about the workings of government or information concerning whether a public body is performing its core function.
- OMA and FOIA are applicable to the Traffic Committee, since it is a "public body," empowered by State Statute and City Charter and City Ordinance to exercise governmental authority.

### OPEN MEETINGS ACT

- "All meetings of a public body shall be open to the public and shall be held in a place available to the public." MCL 15.263
- This includes virtual meetings.
- o The following may constitute a meeting under OMA:
  - o E-mail chain of discussion using "reply to all" feature
  - Social gathering or educational session w/ quorum and discussion or deliberation
  - o Site visit w/quorum and discussion or deliberation
  - o Sub-committee meeting w/quorum and discussion or deliberation
  - o Round robin telephonic or e-mail discussion

### OPEN MEETINGS ACT

- Open to the public means that all persons are entitled to record, televise, videotape, or broadcast a public meeting.
- Meetings shall be in open facilities and preferably easy for the public to access.
- o If there is an unexpected crowd, the public body must try to accommodate if possible.
- All persons shall be permitted to attend- and address the public body on any item.
  - o Can't restrict to residents only
  - o Can't limit subject matter without good justification and written rules
  - o Can have time limits imposed uniformly- and at the beginning of a meeting- do not restrict based on subject matter or opinion
  - May ask the speaker to voluntarily disclose their address when speaking, since it goes to the weight of the comments, but cannot deny a speaker if they refuse

### OPEN MEETINGS ACT

- o Reasonable rules can be enacted to minimize the possibility of disruption- but should be written and uniformly applied.
  - o Public comment can be limited to a specific time on the agendaand should be prohibited during deliberations.
  - o Time limits- per speaker or per item or per meeting- must be reasonable and not based on the subject matter.
- o In the event that a speaker becomes unruly, the chair should provide a warning if possible before taking any adverse action.
- o Recess requests may assist with an orderly meeting. During a recess, do not discuss any matters with other Committee members to avoid appearance of OMA violation.
- Purpose of public meeting- discuss public business- not deal with individual personalities. However, comments pertaining to job performance cannot be prohibited.

## Open Meetings Act – Remote Attendance by Member of Committee

- During Covid Pandemic there were OMA amendments allowing for remote participation by board members and the public.
- Many of the Covid provisions were temporary and have now expired.
- ► The OMA now requires all board members to be physically present except a member on military duty.
- A board must have a procedure to allow a board member on military duty to participate remotely by an electronic procedure that allows two-way communication,
- ▶ A board member participating in a meeting remotely because of military duty must disclose at the onset of the meeting that he or she is attending remotely but the member is not required to specifically identify their physical location.

## Open Meetings – Remote Participation by Member of Public

- A board is not required to provide electronic access to the public or others (attorney, consultant, staff) not a member of the board, but may do so.
- ▶ If a board has chosen to provide electronic access to the public and has authorized electronic participation for public comment, members of the public attending a meeting remotely may address the board during a pubic hearing or public comment period.
- ► The Rules of Procedure do not authorize members of the public to participate remotely, but do allow members of the public to submit written comments that are read or summarized at the meeting.

### Freedom of Information Act

- Requires disclosure and access to public records.
- Public records are writings prepared by, owned, used, in the possession of, or retained by a public body in the performance of an official function- from the time it is created.
- Writing is broadly defined to include all types of recordings, letters, words, pictures, sounds, papers, maps, photographic film, prints, punch card, discs... or other means of recording or retaining meaningful content.
- ▶ Includes letters, e-mails, text messages in course of performance of duties - even if on private devices (BYOD).
- Public body has 5 business days to respond to a FOIA request unless expressly asking for a 10 day extension due to unusual circumstances.
- ▶ The public body has the burden of justifying an exemption

## Freedom of Information – Communications Received by Committee Members

- ▶ If a Committee member receives a letter or email from applicant or any member of the public, do not respond other than to indicate the communication has been forwarded to City Administration.
- ▶ If the communication has relevance, City Administration may provide copy to all Committee members in an agenda packet.
- Committee members should not engage in any communications with applicant or other members of the public concerning a matter that is pending before the Committee outside the meeting.
- Any written communications with applicants or members of the public may be subject to disclosure under FOIA.
- Committee members may want to establish a dedicated email for Traffic Committee matters.

## Appeals from Committee Decisions

- ▶ For sidewalk variance/ waiver decisions, there is an appeal as of right to circuit court by any person aggrieved by a decision of the Committee.
- ► The appeal must be filed within 21 days of the date the board certifies the minutes of the meeting at which the decision on the variance was made.
- ▶ The circuit court may affirm, reverse, or modify the decision of the board of appeals, or may remand the item to the Committee.

## Questions

**DEPARTMENT OF PUBLIC WORKS** 4693 Rochester Road Troy, MI 48085

troymi.gov

September 21, 2023

TO:

The City of Troy Traffic Committee

FROM:

Kurt Bovensiep, Public Works Director

Mike Verstraete, Streets and Drains Operations Manager

SUBJECT:

Request for Waiver of Sidewalk Requirement

Sidwell 88-20-03-126-048

Per the attached waiver form, Homeowners Harsha & Danelle Chandra Sekhar is requesting a waiver for the sidewalk located at 6970 Donaldson, Sidwell 88-20-03-126-048. Subdivision Bassett & Smith Flowering Springs Acres.

Chapter 34 City of Troy Sidewalks and Driveway Approaches Ordinance # 34-07 requires, all owners of lots and premises abutting dedicated streets open to the public shall be required to construct sidewalks and driveway approaches at the time of construction of any new buildings or structures, or additions to buildings or structures, or at the time a nonconforming use changes to a permitted use in the Zoning District. No occupancy permit shall be issued until such time as the owners of said property have complied with the requirements of this provision provided only that the Director of Building and Zoning may extend the time for completion of the required sidewalks and driveway approaches in accordance with established procedure.

City of Troy Sidewalks and Driveway Approaches Ordinance # 34.07.01 also requires that a sidewalk be installed in conjunction with the development of a parcel due to a recent lot split, combination of parcels or a re-platting.

Please be advised that there is currently not a sidewalk to the North or South of 6970 Donaldson or across the street.

Due to the lack of sidewalk on the surrounding parcels and the open drainage ditches of the area, we recommend that the sidewalk not be installed at 6970 Donaldson, as per ordinance #34.07. If the sidewalk requirements were to be waived, we recommend the approval be subject to the submission of a cash deposit for future construction to assure consent and participation in any future sidewalk installation.

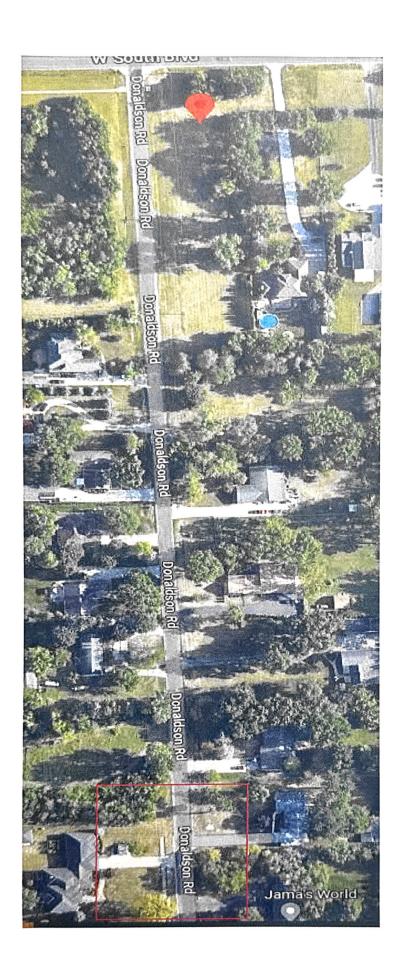


City of Troy Mr. Kurt Bovensiep Public Works Director 4693 Rochester Road Troy, MI 48098

Ar. Bovensiep,	-121001
am/we are the owner(s) of the property at $\frac{HARSHA}{A}$ $Y$ $\frac{DANELLE}{A}$ $\frac{CHANDRA}{A}$ $\frac{SE}{A}$	MAAK
ot number 6972 DONALOSON	
subdivision Name,	
iidewell Number	
(Waivl)  we would like to request a sidewalk variance for the following reasons:	
1) W South Blod Someone owns property from road to our pres 2) On Donaldson there are no Sidewalks-that would con	phaty- rect
on that Side	
We can be contacted at Phone Number    Contacted at   Contacted at	hoo ·com
DANELLE CHANDRA SEKHAR.  Name	
6015 S GRAHAM RD Address	
SAINT CHARLES, MI, 48655	
City, State, Zip	

anelle C- Sekhor

Signature





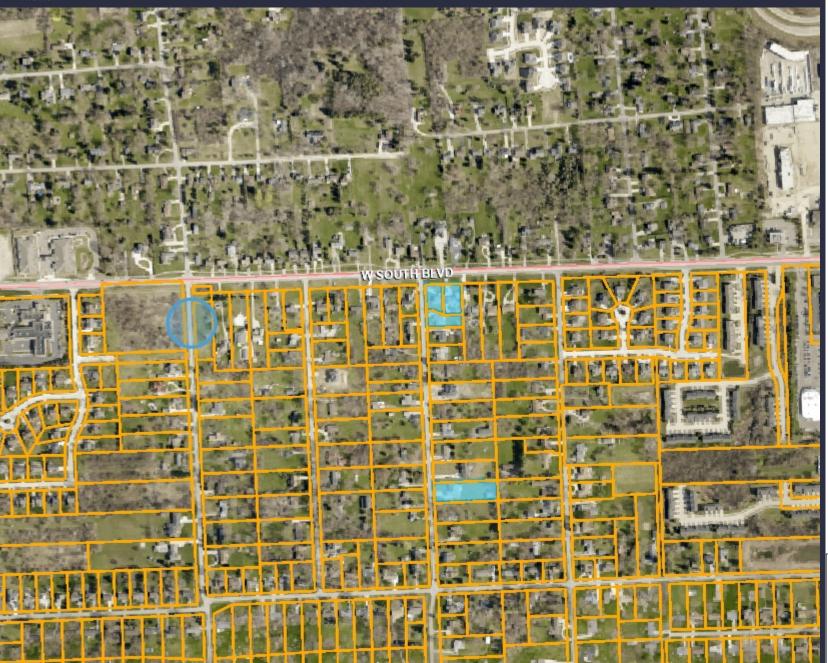
## **GIS Online**

Legend:

Tax Parcel



Sidewalk Waiver



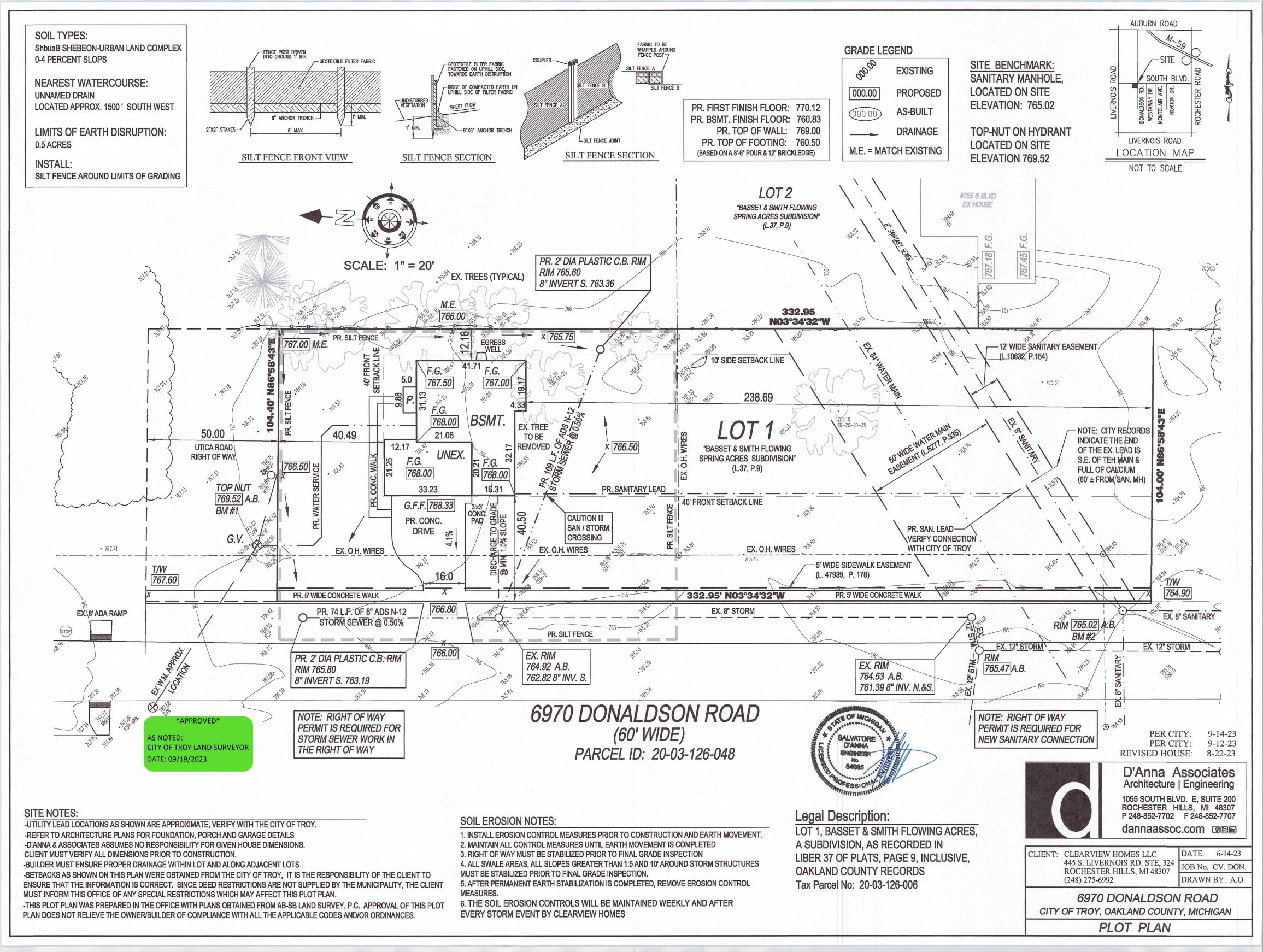
Notes:

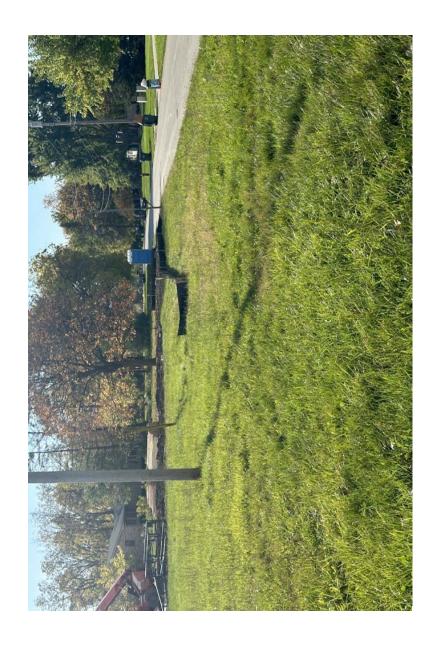
6970 Donaldson

Map Scale: 1=752 Created: October 25, 2023



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.









City of Troy Mr. Kurt Bovensiep Public Works Director 4693 Rochester Road Troy, MI 48098

Mr. Bovensiep,
I am/we are the owner(s) of the property at $934$ Marengo,
Lot number part of Lot #1,
Subdivision Name #1 Clark EStates SUB
Sidewell Number20-03-279-034,
I/we would like to request a sidewalk variance for the following reasons:
See attached plan/sketch.
1/We can be contacted at 586-615-4737 bahaa @ Kizysignature.com  Phone Number Email Address
Bahaa Kizy Name
6191 Sheldon Rd. Address
Rochester Hills, MI 48306 City, State, Zip
Bahaa Kiry Signature



**DEPARTMENT OF PUBLIC WORKS** 4693 Rochester Road Troy, MI 48085

troymi.gov

April 10, 2024

TO:

The City of Troy Traffic Committee

FROM:

Kurt Bovensiep, Public Works Director

Mike Verstraete, Streets and Drains Operations Manager Municipal Programme Manager Man

SUBJECT:

Request for Waiver of Sidewalk Requirement

Sidwell Number 20-03-279-034

Per the attached waiver form, Homeowner Bahaa Kizy is requesting a waiver for the sidewalk on the property located at 934 Marengo, Sidwell Number 20-03-279-034, part of Clack Estates Sub.

Chapter 34 City of Troy Sidewalks and Driveway Approaches Ordinance # 34-07 requires, all owners of lots and premises abutting dedicated streets open to the public shall be required to construct sidewalks and driveway approaches at the time of construction of any new buildings or structures, or additions to buildings or structures, or at the time a nonconforming use changes to a permitted use in the Zoning District. No occupancy permit shall be issued until such time as the owners of said property have complied with the requirements of this provision provided only that the Director of Building and Zoning may extend the time for completion of the required sidewalks and driveway approaches in accordance with established procedure.

City of Troy Sidewalks and Driveway Approaches Ordinance # 34.07.01 also requires that a sidewalk be installed in conjunction with the development of a parcel due to a recent lot split, combination of parcels or a re-platting.

Please be advised that there is currently not a sidewalk to the East or West of 934 Marengo, or across the street.

Due to the lack of sidewalk on the surrounding parcels and the open drainage ditches of the area, we recommend that the sidewalk not be installed at 934 Marengo, as per ordinance #34.07. If the sidewalk requirements were to be waived, we recommend the approval be subject to the submission of a cash deposit for future construction to assure consent and participation in any future sidewalk installation.

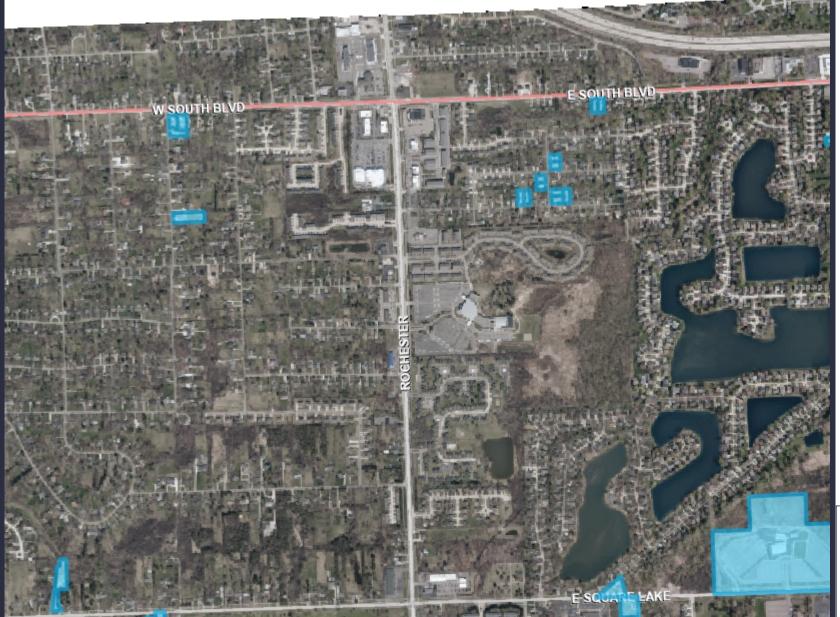


## **GIS Online**

Legend:

Tax Parcel

Sidewalk Waiver



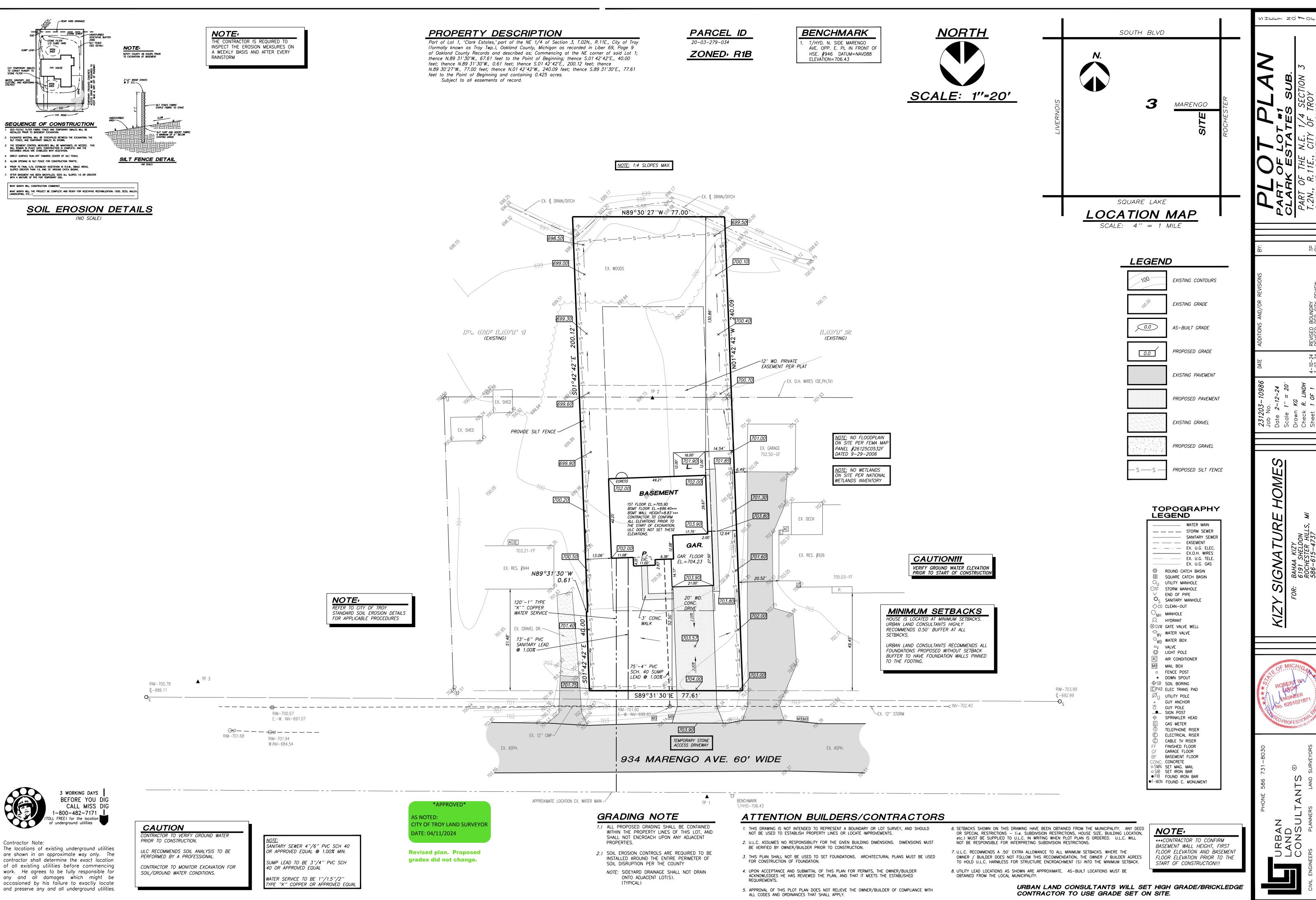
Notes:

Babbit & Carnaby

Map Scale: 1=1,527 Created: August 29, 2024



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



SIGNA



